MURDER OF DOCTOR LUTENER.

TESTIMONY FOR THE PROSECUTION CON-TINUED

> Court of Oyer and Terminer. Before Hon. Judge Roosevelt.

FIFTH DAY.

MAY 8.—The Court met this morning at 10 o'clock. Mrs. Hayes entered the court room shortly after. She appeared to have received in some degree from her recent illness, but still was unable to sit up, and occupied her couch during the day. The court room was crowded the room of the court room was crowded.

cent illness, but still was unable to sit up, and occupied her couch during the day. The court room was crowded throughout the day.

The testimony for the prosecution was continued. The first witness called was—

David Uhl, sworn—I am a physician; have been between four and the vears in practice in this city.

Q Did you know Dr. Lutener? A. I did not.

Q Did you make a post mortem examination of his body? A. I did.

Q When and where? A. On the 10th day of January last, at the corner of Broadway and Grand street.

Q Who was present at that examination? A. There were several persons present; Coroner Gamble was present. Dr. Downes was also there, and a number of other persons; I made the post mortem between two and three o'clock in the afternoon; can't state the precise time.

Q What was the result of your examination? A. When I came into the room his head was lying toward Grand street on a bundle of papers, and there was a considerable quantity of blood a out; he was lying on his back; his mouth was open and his face pale; I then turned the body slightly over, and discovered a wound on the left side of the head; two and a quarter inches behind the ear; it was the left ear; Coroner Gamble had left a man to take care of the body; his hands were clean; there was no blood or powder upon them, and no powder on any part of him.

Q. When did Fr. Downes come in? A. I went back, and Dr. Downes came in about half an hour; and shortly flerwards commenced the post mortem examination; we kund the ball had lodged in the temporal bone; leave the ball holded; state its position as compared; ith the noint of entrance. A. It is mearly opposite to he point of entrance, a little in front; the line of passage was straight through.

Q. Suppose that his had been extended so that the ball had owne out, in what part of the head? A. I think it would have come out here, (witness pointed to the upper opening of the ear.)

Q. State the character of the wound where the ball apparently entered. A. It had clean edges, a little depresed; it had

Q. Who was it that showed it to you? A. Coroner Gamble.
Q. What was the result of your examination? A. There was a dark mark around the nipple, as though the cup had been exploded; can't say I noticed anything further about the pistol.
Q. Have you ever attended or made a post mortem examination of cases of suicide by shooting in the head?
A. I have.
Q. How many? Eight cases, I think; may have made one or two more, or less, but am pretty sure it was right.
Q. Have you read of such cases? (Objected to, and question overruled.)

Question overruled.)

Q. From your experience—that is, cases that you have seen—are you able to form a conclusion or judgment in your own mind as to whether the death of Doctor Lutener could or not have been, from the cause described, produced by himself? A. I don't think it could.

Q. State the reasons which influence you in arriving at that conclusion?

produced by himself? A. 1 don't think it cound.

Q. State the reasons which influence you in arriving at that conclusion?

Question excepted to.

A. I judge, first, from the situation of the wound; it was on the left side, and it would have been very difficult for him to have shot himself without placing the pistol directly in contact with the head; I don't think it was placed in contact with the head, I don't think it was placed in contact with the head, from the appearance of the wound; I have always found that when the pistol is placed in contact with the head the wound is ragged, larger than the ball, the skin often filled with grains of powder, and frequently there is a fracture of the skull; in all cases where I have examined there has been powder on the hands; the pistol is also often grasped in the hand, or lies near them.

The Court.—Does it make any difference whether the person is left handed or right handed? A. Undoubtedly it would make some difference.

Q.—From the character of this wound and the external appearances presented, were you able to form any lea as to the shortest distance from the muzzle of that pistol to the head?

Quasting obligated to and expection taken.

lea as to the shortest distance from the muzzle of that estation objected to and exception taken.

Witness—I don't think it could have been a less dispute than sky inches.

Cross examined—Q. How long have you been a practising physician? A. Four or five years.

Q. Have you graduced surgery as a distinct branch of your profession? A. I have not.

Q. Bid you graduate at one of the medical colleges of the city? A. Yes.

Q. Which one? A. At the Crosby street Medical College; when I went after Dr. Downes II was not absent more than ten minutes; it went to 108 Grand street, a few doers went of Broadway; Downes was not in; when I first got to Br. Lutener's effice I found Miss Shipman and a geutleman whom Coroner Gamble had left to take care of the bedy.

Q. Was the bedy of the Dector moved while you were there, except by yourself? A. No.

Q. Was the pest mortem examination held in the room in which he lay when you first saw him? A. Yes; we only moved the body so as to give us facilities to get arcund it; I think we turned the body on its face once and back again, we moved the body by the feet towards the south about twelve inches.

Q. Fid you ever conduct a post mortem examination lates.

sk again, we moved the east to the hout the bout the bout the both the skill dyou ever conduct a post mortem examination A. Very frequently.

If you ever conduct a post mortem upon the body cased person said to have come to his death by a

Q but you ever conduct a post mortem upon the body of a deceased person said to have come to his death by a shot wound? A. I have.

Q How often? A. Three or four times; can't say positively; I held a post mortem on a body in Fourteenth street, before the death of Dr. Lutener; his name was Cenner. I think; a good many months ago, in Fulton street, also; the shooting in that case was in front, on the right side of the head; I measured the distance of the wound from the ear at the time, with a string; it is in my office; I have seen it since; after I had measured I rolled it up and put it in my pocket; don't know whether Dr. Downes saw me measure it or not; it is a piece of twine; I can't tell where I cut it; it was a piece of twine I had in my pocket at the time; can't tell the length of it, don't know how long I carried it in my pocket; don't know where I got it from; I measured and then knotted it, and then measured again to see if the knot was in the right place; I then did it up and put it in my pocket; I did not have it in my pocket at the Coroner's inquest; I went directly home from the office; didn't show it to any one on the way; can't say whether I have had it out of my drawer since; have no recollection of it; after I arrived home I measured it; I measured it with a wooden rule, one foot long; don't think any one was present when I measured it; rolled it up immediately and put it away; have done nothing with it since, to my recollection; it is a little one that I have been in the habit of carrying in my pocket; have not got it now in my pocket; I used it up and it is now gone; that book had habiting else; don't think the minutes of the post mortem are yet placed in the book; the minutes were taken by myself; the case is written out, but not yet transferred to the regular book; Dr. Downes assisted me in various ways.

Q Describe the post mortem. A In the first place we.

myself; the case is written out, but not yet transferred to the regular book; Dr. Downes assisted me in various ways.

Q. Describe the post mortem. A. In the first place we together, put a box under his head; I then made an incision across the top of the head, dividing the scalp from ear to ear; I then turned down the scalp on one side and exposed the bone; there were no minutes made up to that dime; after the upper portion of the skull had been removed, I took hold of the brain showly and saw that the spinal marrow had been severed from the brain; I then took the brain out and placed it either in a bowl or on a board, which Dr. Bownes procured; we then commenced looking for the ball, we cut it up in small pleces, but could find no traces of it; the pleces were half as big as your hand; some were very small; they varied from one inch to three inches square; we found no trace of the ball in any part of the brain; we examined the inside of the cranium, both at the same time; the upper portion of the skull had been entirely removed, and we were then examining the base of the skull; in Downes awed some, but not a great deal; I did most of the sawing; I passed my inger through the wound after taking out the brain, and finally found the hall in the petrus portion of the skull; almost of the half in the petrus portion of the skull; inserted my finger into this hole, within a quarter of an inch of the ast joint; at the point where the ball entered, there was an inch thickness of fisch on the bone; when ay inger got through the glesh, it met the occipital bone, the low-er portion.

Q. Will not the appearance of a few hours? A. It will change somewhat; not much; this slight bluish appearance was caused by the extravasation of blood around the heart; I saw some water about there; the head had been washed; on the wound it was saturated with water; when I first examined the body, the hair was wet; cut some of the hair from the wound; don't know which side; the orifice could not be seen without cutting the bair; cut if with

will not the appearance of a gwn shot wound makerally change in the course of a few hours? A. It will change somewhat, not much; this slight bluish appearance was caused by the extravastion of blood around the heart; I saw some water about there, the heat had been washed; on the wound; the wound; don't know which slick; the orifice could not be seen without cutting the hair; cut it with a pair of science; the heat had been washed; there were a few drops of water on the back.

Q. Was, or not, in your judgment, except in the pair, which slick; the orifice could not be seen without cutting the hair; cut it with a pair of science; the hands had not been washed; there were a few drops of water on the back.

Q. We write the destination of the continuation of the

nature of the wound, and stated it was my opinion that it was not a suicide.

The court here took a recess of a few minutes.

Cross-examination resumed—Sawed out a piece of the temprous bone; sawed on each side of the ball, so as to get the ball out without injuring it; did not keep the piece of bone that I sawed out; sawed almost in contact with the ball; sawed it with a saw I have in my case; have only one saw in my case; the thickness of the blade was about that of the middle portion of this knife (exhibiting to court an ordinary pocket-knife); I sawed in four different directions to get the ball out.

By District Attorney—Were you able to form a judgment as to whether the deceased, at the time he received the wound, was standing or sitting?

The question was objected to, and ruled out by the Court.

The question was objected to, and ruled out by the Court.

Coroner Gamble sworn—I am one of the Coroners of this city; held the inquest on the body of Dr. Lutener; at the time I arrived there, about half past eleven o'clock A. M., the body was lying with the head toward Grand street, on the back; there were some newspapers lying under the head on the floor; after I looked at the body I went into the consulting room and found Miss Shipman and Mr. Cockefair; obtained from them the revolver; it was loaded and capped; couldn't state how many caps were on it, the next day, for fear of an accident, Mr. Cockefair took off the caps; there were then five or six barrels rapped; from that time until the platol was delivered to the District Attorney; it was kept in my district and the latter of the caps; there were then five or six barrels rapped; from that time until the platol was delivered to the District Attorney; it was kept in my district and the latter of the caps; there was a state to the fore you on that occasion? A. His deposition was taken in the usual way; I swore him and told him tog on and state to the Jury all he knew; I can't tell what he said now; he went on and stated it, and signed his name to it afterwards; before signing his name to it. I think it was read to him; I was present at the time of Mr. Hayes's arrest. Q. When, and where was it?

Objected to, and exception taken.

A. At No. I Nassau street, up stairs, on the 10th day et January last, between the hours of twelve and one.

Q. How do you fix the time? A. I got back to the Hall before one o'clock; I had not noticed the time myself, for I had no watch with me, but Mr. Cockefair tok out his watch when he got down in the street and looked at it, and said it wanted twenty minutes of one; I did not look at the watch.

Cross-examined—Q. Don't you carry a watch? A. No; I have two at home.

Q. How long have you been Coroner? A. It will be two years next January; I and Mr. Cockefair how hold in the late of the coronic was a street, and the coronic was a s

my dinner.
The District Attorney here offered in evidence the de-

my dinner.

The District Attorney here offered in evidence the deposition of Hagan. He offered it with a view of saying that on the Coroner's inquest the said witness stated differently from what he stated in court.

After some discussion the deposition was allowed to be read.

Correlins P. Sheller, sworn—Am a copyist; my place of business is at No. 7 Nassau street; reside in Yorkville, on the 10th of January last my place of business was at No. 18 Nassau street; knew Mr. and Mrs. Hayes, had known them about three years prior to that time; on that day I arrived in the city at ten minutes of ten; came in the Harlem Railroad cars; it was the nine o'clock train; I got in at Yorkville, saw Mrs. Hayes about ten minutes past ten o'clock in Mr. Hall's office; that was No. 1 Nassau street; on arriving at the depot I went to my office: I remained about two minutes before I went to Mr. Hall's; Mrs. Hayes was in the room facing on Wall street—the inner room; I did not speak to her; I remained in Mr. Hall's office; shout twenty minutes; saw Mrs. Payes again that morning; Mr. Hall brought her to my effice; that was about three o'clock; I went to Harlem with her; we stopped on the way at Goslin's restaurant, and got a glass of water; we went to the Tombs, for the purpose of seeing Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen Mr. Hayes; I did not see him; she did not; have seen did not; have se

paper, marked R. 5; the same reply. Fifth paper, marked R. 6; same reply.

Several papers were here shown to witness, who identified them as being in the handwriting of Mr. Hayes.

The District Attorney said he proposed to put these letters in evidence.

A long discussion ensued as to the admissibility of the letters in evidence.

The Juage finally decided to postpone his decision in the matter until this morning.

The court then adjourned at half-past 4 o'clock, until to-day at 10.

ARMY INTELLIGENCE.

TRIAL OF MAJOR WYSE BY COURT MARTIAL. MORE TESTIMONY OF THE PROSECUTION.

FIFTH DAY.

The Court met at ten o'clock yesterday morning, pursuant to adjournment, and all the members being present, proceeded to the examination of witnesses for the prosecution, as follows:-TESTIMONY OF ISAAC W. AYRE.

Isaac W. Ayre testified as follows, on his direct exami-

Isaac W. Ayre testified as follows, on his direct examination.—

Q. State your business?

A. I am an engineer, of the firm of Mott & Ayres.
Q. How long have you been in that profession?
A. Twenty-eight years.
Q. Bid you examine the engine of the Falcon? If so, when, and what did you find her condition?
A. I did examine her partially, on Wednesday of last week, I think; I found no important break-down about the engine; I discovered, so far as I could see, no other part of her engine defective except the valves of the steam chest; I only saw one of the steam chests open; the valve was off its seat about one-sixty fourth part of an inch when cold; that would make a considerable leakage, and the lifting of the valve would be very likely to be increased by the expansion of the valve stem, when heated.
Q. Could this valve have been in place and the engine, so far as depended on it, have worked well for a time?
A. That would depend upon the cause of its being up. In fitting the valve and its seat together, in the course of repairs, the grinding from carclessness may not be so executed as to leave the surriaces in contact a true circle, but the high part of the coneave, and the fit may be close; but afterwards, in the working of the engine, the valve may work round on the seat and the high parts of the low surfaces of the valve and its seat. The explanation supposes the opening or litting the valve to depend on the surfaces, and not on the length of the valve stem?
A. In the first case it would take three days; in the second one day.
Q. Could those repairs be made at sea?

A. In the first case it would take three days; in the second one day.

Q. Could those repairs be made at sea?

A. Yes, if the vessel could lay to; they have the means and conveniences for such repairs at sea. They would, of course, have had to put out the fires, let off all the steam, and take that part of the machinery apart.

Q. Was, or not, in your judgment, except in the particular you describe, the engine of the Falcon in seavorthy order?

shaft, a connecting rod; in this particular case of the Falcon, the difficulty would have been discovered by a day's trial trip at ses, running out and baok; but I think that a careful examination by a competent engineer, in putting the work in, and without a trial trip, would have discovered whether the fitting of the valve and valve seat was correct, and whether there was space for the valve to drop.

Q. By a Member—Would a competent engineer have discovered the imperfections in the valves of the Falcon in a trial trip to Sandy Hook and back?

A. Yes.

A. Yes,
Q. By another Member—Would the careful examina-tion by a competent engineer of necessity have discover-ed it without a trial trip?
A. My opinion is that it would.

TESTIMONY OF CAPT. LOWE. Capt. James W. Lowe having been sworn, testified as ollows, for the defence, on direct examination:—

Capt. James W. Lowe having been sworn, testified as follows, for the defence, on direct examination:—

Q. What is your profession?

A. Inspector of the Commercial Mutual Marine Insurance office.

Q. Did you superintend the building of the steamer Falcon? and if so, please state all you have known of her, from the laying of the keel to this time.

A. I did; I commenced with her when she was partly in frame, in August, 1847; she was a pattern ship, built after pattern of the Northerner; she was, as was usual with steamers then, not so heavily timbered as now: I requested the builder to give her more strength than the pattern, but he declined to do it without extra pay; she was built as well as the Northerner; we launched her on January 22, 1848, and then moved her to the North river for her engines; about August following she was ready for sea, and went on a trial trip under direction of the government, with a view to her purchase by the Navy Department; they did not take her; I cannot speak certainly of their reasons; it was about the end of the Mexican war, and they had wanted her for that service; that was one reason I was aware of; we found her to perform very well; she appeared to be a very good vessel; she made two trips to Now Orleans, and on those trips performed very well; after that she was sold, and the new owners made alterations in her; they put a heavy topgallant forceastle on her, which strained and hogged her; she was sold in November, 1848, and this alteration made not long after; this put her out of shape; I don't know how it affected her sea qualities; after they made another alteration they shifted her wheel beams from her lower deck to her upper deck, which I think was not calculated for that weight; this was between 1848 and 1850; after that they put the cabin or upper saloon on her deck; that I should think pretty well ruined her—a vessel of her construction—loaded her down—like taking a raceborse and making a camel of it.

Cross-examined.—Q. Have you been in her at sea, and known her quali

TESTIMONY OF JOHN ENGLISM.

John English, witness for the prosecution, having been sworn, testified as follows on his direct examination:—
Q. What do you know of the Falcon?
A. She was built by Wm. H. Brown & Co.; he is in California: I was his partner at the time.
Q. Did you build according to your own idea, or to order, after patient?
A. To order, after a pattern.
Q. Was it a good model for a good seaworthy steamer, or not, in your judgment?
A. Yes.

for sea service?

A. As good as any steamer affoat at that time.

Q. Do you know what changes were afterwards put o

Q. Do you know what changes were afterwards put on her?

A. Yes: they raised her guards up, by which she had five feet less than before; they were that much higher above the water; that was an improvement made to her after a trial of it, and proof of its advantages on the Crescent City; I know of no other alterations to the ship; they put state rooms on her upper deck—a saloon you may call it—that is, light joiner's work put up there, and it is not material to the strength and durability of the ship.

Q. Do you know if it affects her sailing qualities and safety?

A. No. I think not.

y? No, I think not.

safety?

A. No, I think not.
Q. Are such salcons common?
A. I believe they all have them on. Mr. Collins' ships have got them on since they started.
Q. How about a topgallant forecastle, put on her after she was built?
A. I know nothing about the mode it was put on. I know it was put on.
Q. Could it affect her sailing qualities?
A. No, I should think not. It only raised it about three feet above the rail.
Q. What do you know of her condition when she last went to sen? Ibid you regard her as seaworthy?
A. I had not been on board of her for three or four years.

A. I had not been on board of her for three or to a years.

Cross-examined.—Q. How far above the main deck are these bulwarks built up?

A. The bulwarks to the rail four feet, the sides above that—I don't know the height.

Q. Do you mean to swear that all the sea-going steamers have upper decks or salcons built on their main decks in the same manner as the Falcon has?

A. I don't pretend to say so. I say that the Collins line has had salcons put on their main decks since they started to Liverpool. I don't know how the Falcon's is built on.

started to Liverpool. I don't know how the Falcon's is built on.

Q. Do you think it as safe to build a cabin on the main deck as to build it in the framework of the hull?

A. They noswer as well. I am not a seafaring man; have nover been outside of Eandy Hook, and know nothing of the dangers of the sea.

JEEFIMONY OF JAMES MURPHY.

James Murphy, a witness for the prosecution, having been sworn, testified as follows on his direct examination:—

been sworm, testured as renews on any direct values.

Q. What is your business?

A. Steam engine and boiler manufacturer—one of the proprietors of the Fulton Iron Works.

Q. Did you make the boilers of the Falcon?—if so, what is the quality of her machinery generally?

A. Yes, I put them in in February, 1851. The boilers were as good, I suppose, as could be made. Her engines were good.

Q. When did you inspect her last before she went to see 2.

O. When did you inspect her last before she went to sea; I did not go for the purpose of inspecting her; I did not examine her particularly; I looked at her engines and boilers; they appeared to me about as they did when we replaced them in 1831, to outside appearances.

Q. Did you judge them and her seaworthy, and would you have been willing to go to sea in her?

A. Yes, sir.
Q. How much steam could she carry?
A. Her boilers were capable of 50 pounds to the square inch; they were much stronger than her original boilers.

Q. Pid you know of anything to make her unseaworthy?
A. No.

A. No.

Cross-examined—Q. Suppose a sea steamer is sent to sea with the valve stem of her steam chest so long as to rest on the bottom of the chest when cold, would it not be proof of great carelessness on the part of some one?

A. Yes, of those who put it in.

Q. Po you know anything of the seaworthiness of the hull of the Falcon by a personal inspection?

A. No.

TESTIMONY OF JOHN M'GOWAN.

John McGowan, a witness for the prosecution, being sworn, testified as follows on his direct examination:

Q. What's your profession?

A. Mariner and shipmaster.

Q. What ship do you now command?

A. The steamer Empire City, in the service of the United States Mail Steamship Company.

Q. Have you commanded other ships of that line?

A. I have: the Crescent City, Philadelphia, George Law, Cherokee, and Georgia, on this side, and the Columbus, on the Pacific.

Q. Po you know the Falcon and her sea qualities?

A. I do; I have saided in company with her at sea when I commanded the Crescent City and the Georgia, but I have never sailed in her; I have been on board of her many times.

O. Wheter here are applied to

many times.

Q. What are her sea qualities?

A. Good, in my opinion, as any ship in the line.

Q. Has she been in storms?

A. Yes, through a great many, as any vessel necessarily must be which has been four or five years in the Gulf of Mexico and the Caribbean Sea.

A. Yes, those were stormy seas?

Q. Are these very stormy seas? A. Yes, in the winter time; we have heavy northeast-

A. Yes, in the winter time; we have heavy northeasters about every ten days.

Q. Did you see the Faicon before she last went to sea?

A. I was not on her at that time.

Q. What top hamper had she?

A. She bad some staterooms on her main deck, and a hurricane deck extending over it as a roof, to the side rail—a passage way on both sides; she has no salcon on her main deck, which is a cabin with staterooms on both sides; her staterooms are in the centre of the ship, as they are on the Collons line and the Charleston steamers, except that on the Collins line the hurricane deck does not extend to the side of the ship, nor beyond the covering of the staterooms; on the Falcon the passage way on the side of the staterooms is open abaft the wheels above the main radi.

the main rail.

Q. What is the mode and effect of raising the guards?

A. Formerly in her case as I have heard, the shaft was n top the beam; I have seen this alteration made in ther cases: I idd not see it in her case, but I unterstand its mode and effect of it. When the beam is taken of

e shaft, instead of resting on it above, it is suspended it below; the object is to raise this beam and the ards out of the water and to improve the sea qualities the ship; I have known it done with good effect in se-

veral cases.

Q. Had the Falcon, in your judgment, any top hamper to endanger her safety at sea, or impair her sea qualities?

A. She had not.
Q. Did you ever go through the Falcon, and thoroughly inspect her hull?
A. Not with a view to a critical inspection of her.
Q. Is the continual navigation of the Caribbean Sea and Guif of Mexico as trying to the strength of a vessel as to ross the Atlantic?
A. In the winter time, I should say it was—particularly the Guif of Mexico.

Q. Do you know anything of the trip of the Palcen,

Q. Do you know anything of the trip of the Falcen, made in December last?

A. That must have been the trip I speak of.
Q. by the Court.—Do you know about her being hogged by her togallant forecastle, so as to impair her appearance, strength, or sailing qualities?

A. I never discovered that she was hogged.
Q. by Court.—Has she canvass enough to make her navigable without her engine?

A. I think she has enough to get her into port.—as much as sea steamers usually have.
Q. By Court.—Can any American sea steamer, with side wheels, beat to windward with her sails?

A. No. When losing all use of the engines she would have to make port with a free wind.

TESTIMONY OF PETER HOGG.

Peter Hogg, a witness for the prosecution, being sworn, testified as follows on his direct examination:—
Q. Did you make the engine and machinery of the Falcon? if so, when, and of what sort is it?

A. We did, in 1846. It is a very superior engine. I am of the firm of Hogg & Delamater.
Q. How long ought such an engine to last in constant use, with proper care and attention?

A. An indefinite length of time, with proper repairs.
Q. Has she received repairs at your foundry?

A. Yes.
Q. How long have the engines of the Cunard or Collins

Q. How long have the engines of the Cunard or Collins teamers been in use?
A. I don't know.
Q. Do you know the condition of the Falcon's engines when she went to sea last?

when she went to see mast?

A. No.

Q. Were the engines of the Falcon originally from the
One Witch, a North river boat, and built for the purpose
of testing a theory of Mr. Ericsson?

A. They were; the boat was an experiment, but there
was no novelty about the engines; they were of a tried,
approved kind; they were made to carry a very high
pressure of stemm—sixty pounds.

was no novelty about the engines; they were of a tried, approved kind; they were made to carry a very high pressure of steam—sixty pounds.

TESTIMONY OF ARCHER GUION.

Archer Guion, a wincess for the prosecution, testified as follows on his direct examination:—
Q. Are you of the firm of Guion & Boardman, of the entines from works?
A. Yes.
Q. Did you repair the Falcon last winter?
NA. Yes we were called upon to put all necessary repairs on her machinery, subject to the superintendence of the chief engineer of the Mail Steamship Company; his name is Skidmore.
Q. In what order were her engines when she left the port 18th April?
A. The engines were in very good order when she left the establishment, so far as I could see.
Q. Were they good, substantial engines, fit for a sea steamer?
A. Very heavy proportioned engines to the capacity of the cylinder.
Cross-examined.—Did you examine critically the valves, to see if they had been ground so as to fit accurately in all their parts.
A. I dis not do it with my own hands, but I put competent men to do it; I saw the valves when they were brought into the shop, and saw the workmen when they were brought into the shop, and saw the workmen when they were brought into the shop, and saw the workmen when they were the standard of the think of the true point, and then put in the seats and ground to fit accurately; I saw them after they were ground.

TESTIMONY OF HENRY B. RENWICK.
Henry B. Renwick, a witness for the prosecution, reselled for explanation, testified as follows.—Q. How does expansion affect the fit of the valve?
A. If the spindle expands more than the chest, and the spindle touches the bottom cold, the valve will loak; but if the chest expands most the valve will fit tighter—the probabilities are that both expanding together, the expansion will have no effect on the fit.

The hour of three having arrived, the Court adjourned till ten o'clock this morning.

The Riot in Chelsea, Mass.

FIGHT EETWEEN THE IRISH AND THE PRIENDS OF THE "ANGEL GABRIEL"—SEVERAL PERSONS INJUNED—ATTACK ON THE CATHOLIC CHURCH—THE MILITARY CALLED OUT—READING OF THE RIOT ACT—GEFAT EXCITEMENT—ARRESTS, ETC.

[From the Boston Herald, May 8.]

The usually quiet village of Chelsea was yesterday the scene of a disgraceful riot, and the Sabbath, instead of being used for devotion and rest, was a day of excitement and strife. The circumstances of the affair, as we learn by visiting the scene, and conversing with those who witnessed it, are substantially as follows:—

At about 11 o'clock, A. M., the individual who rejoices in the soubriquet of the "Angel Gabriel," and whose vehement denunciations against the Romish Church have created several small disturbances within a few weeks, appeared in Maverick square, and proceeded to harange a crowd of people that assembled at the blowing of his horn. He had spoken but a few moments when some impetuous Irishman, probably excited by the language used by the cantor, commenced a disturbance. Soon after a fight ensued between some Irish and men in the crowd, but the police interfered, took one of the Irishmen off, and dispersed the mob. At this juncture a carriage from Medford, where the "Angel Gabriel" had spoken in the morning, arrived on the ground, and she speaker was taken in and started for Fast Boston. On driving off it was ascertained that an Irishman was in the carriage, and he was forthwith ejected with considerable violence. After this interruption the orator's progress met with no obstacle, and the party arrived at East Boston safely. The orator then went upon Engle Hill, for the purpose of addressing a croyd there assembled, but the police came up and ordered him to leave the ground Immediately. Finding that the fueting could not proceed, the orator and his friends returned to Chelsea.

In Chelsea, after the departure of Gabriel, the excitement engendered by him increased rapilly, and there were a number of fights between the Irish and Americans. Thi

were throwing atones and using weapons.

The mob, however, did not seem to be satisfied with these arrests, and stones continued to be thrown on both sides. The riot beginning to assume a serious aspect, l'eputy Sheriff Rugg ordered the bells to be rung to call the citizens together. The people responded to the summons and came to the assistance of the officers of the town. The rioters seeing that they could not do any further damage to the houses of the Irish than the breaking of windows, started for the Cathelic Church on Mount Bellingham, about a quarter of a mile distant. There they soon gathered to the number of one or two thousend and began to hurl stones at the windows. This lasted for some time, until the cry was raised. "tear down the building." The officers attempted to stop the mob from proceeding any further, but we doubt whether they could have effected much in the way of quelling the excitement.

mos from proceeding any further, but we doubt whether they could have effected much in the way of quelling the excitement.

At this time, between five and six o'clock, the bells were again rung, the "riot act' was read by Sheriff Rugg, and a military company, the Cheisea Light Infaniry, Capit. Fellows, were ordered out. Before the company had arrived at the scene of the riot, a boy climbed to the roof of the church, and threw the cross, fastened on the gable end of the building, to the ground. The boy accomplished the feat by the aid of the rain conductor, and after it was done, he was put into a carriage, and taken off. The result of this act operated as a check upon the riotous; they appeared to be satisfied with the fall of the cross, and we doubt if the town officers could have hit upon a better or more certain expedient to save the church from the fury of the mob.

The Irish having all left the vicinity, and there being no further demonstrations to tear the church down, the mob began to disperse. A party of two or three hundred from East Boston, who had come over to participate in the fighting, started for their homes about half past six o'clock, and when they had got in the vicinity of the 'o'clot favore,' on Middleex street, now occupied by the Irish, they were greeted with a volley of stones from a party of Irishmen on the roof of the tavern. A general fight soon forms made of the save under the result of the root of the streets and disperse all sax midgles, and the Coelsea Light Infantry were dored to remain under arms for the whole of the night.

The town officers took every precaution to prevent a renewal of the rioting at night. A large constabulary force was sworn in, to patrol the streets and disperse all assemblages, and the Celesca Light Infantry were ordered to remain under arms for the whole of the night.

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EXCITEMENT AT EAST BOSTON-THE CATHOLIC

PROCEEDINGS OF THE BOARD OF ALDERMEN.
The Board met last evening, the President in the chair.

PENTHONS REFEREN.

Of Wm. P. Furniss and others, for the opening of the Eleventh avenue, from Fifty ninth to 107th street; of the citizens of the Seventh ward, to alter the boundaries of the fourteenth and fifteenth council districts, complaining that great injustice was done them by the ungual division of said ward; that the word "resigned," on the fremen's register, be erased from opposite the name of William J. Diegan, who was killed at the fire in Broadway, in order that said name may be engraved on the firemen's monument in Greenwood Cemetery; for stage accommodation between Hurigate ferry and Third avenue.

Anderman Herrices, of the Nineteenth ward, offered the following preamble and resolution:

Whereas, the contracts with the desiry precedings of this Board, and to give publicity to the advertisaments of the saveral departments of the city government, have expired, and the contract of the city government, have expired, and the contract of the city government, have expired, and the contract of the city government, have expired, and the contract of the city government, which are contracted of the contract of the city and the contract of the the city government, and the contract of the city and the city of the c

The Mayor sent in a letter, stating that the term of office of the officers composing the Croton Aqueduct Board expires in the month of July next, and that he re-nominated the following .—For President, Elias L. Smith; for Assistant Commissioner, Thos. R. De Forest; for Chief Engineer, Alfred W. Carson.

On motion to concur with the Board of Councilmen npon the memorial of the New York Temperance Alliance, and also on a resolution relative to providing two kinds of excise licenses, Alderman Howard made some humorous remarks in opposition, ridiculing the idea of compulsory temperance, and insimuating that certain members of the Board were willing, for electioneering purposes, to license great houses, while they would deprive the poor man of his cheap refreshment.

The resolution was concurred in. Adjourned to Wednesday.

esday.

PROCEEDINGS OF THE BOARD OF COUNCILMEN.
The board met last evening, Edwin J. Brown, Esq., in

he chair.

TAXING CHURCHES.

Several petitions having been presented and referred to

Several petitions having been presented and referred to the respective committees—
Councilman CLANCEN offered a resolution "that the petition of the trustees of Transinguration Church, praying for a reduction of taxes, should be referred to the Committee on Finance.
Councilman KENNEDY said he was afraid the petition would not be received more favorably by the Committee on Finance than it was by the Committee on Assessments, who reported against the application.

Mr. CLANCEN hoped the petition would be referred to the Committee on Assessments had done them great injustice. The erection of the sower in the neighborhood of the church was of no benefit whatever to the petitioners, and he considered it an act of injustice to assess them for the cost of the same.

Mr. Molike moved to lay the resolution on the table. Lost.

The question on referring the petition to the Committee on Finance was put and lost.

The papers were then referred to the Committe on Assessments.

MAKING ARRANGEMENTS FOR THE CRIEBRATION OF THE FOURTH

Mr. Wainwright offered a resolution that a committee be appointed to make arrangements with a committee of the other board for the celebration of Independence Day, and that six thousand dollars be appropriated therefor.

Mr. Maring moved to refer the resolution to the Committee or Public Health.

Mr. MATHER moved to refer the resolution to the Committee on Public Health. Lost.

Several members moved to lay it on the table. Lost.

Mr. CONOVER moved to refer it to the Committee of the Whole, as an expenditure of money was intended Carried.

Councilman SEC offered a resolution requesting the Councilman SEC offered a resolution requesting the Commissioner of Repairs and Supplies to advertise for proposals for building a new station house on lot No. 94 Charles street, for the police department of the Ninth ward. Referred.

proposals for building a new station house on lot No. 94 Charles street, for the police department of the Ninth ward. Referred.

Councilman Pischer offered the following resolution in relation to the demolition of old buildings:

Whereas, By reason of the careless and inconsiderate manner in which contractors have proceeded in their work of demolishing old buildings, great loss of life has ensued; therefore.

Resolved, That the Committee on Ordinances be directed to report to this Board an ordinance providing that previous to the commencement of any such work by any contractor, the said contractor shall cause the sidewalks, entire, surrounding said buildings to be enclosed with a light beard fence of sufficient height to provent any access to said building while in the progress of demolition, under a sufficient penalty for avery seglect. Adopted.

Councilman Hongkinson offered a resolution requesting the Commissioner of Repairs and Supplies to cause the old building occupied by the Croton Aqueduct Department to be repaired. Referred.

EMMOVAL OF CATHARINE MARKET.

The committee to whom was referred the petition of persons for the removal of Catharine market from its present location to Market slip, reported that they had duly examined the matter, and that all the property holders were against the measure; and that in view of this and other facts they decid the prayer of the petitioners. Laid over.

MINERS AFFOINTING THEMSHAYES TO OFFICE.

The resignation of A. R. Herrick, in favor of E. R. Bogardus, as Commissioner of Decids, having been received, Mr. PINCKENEY moved that they had duly examined the matter, and that all the property holders were against the measure; and that in view of this and other facts they decid the prayer of the petitioners. Laid over.

MINERS AFFOINTING THEMSHAYES TO OFFICE.

The resignation of A. R. Herrick, in favor of E. R. Bogardus, as Commissioner of Decids, having been received, Mr. PINCKENEY moved that the Board would not appoint themselves as officers. The press had denoun

him a nint to dealer root business.

Mr. Connover moved to lay the whole proceedings on the table. Lost,

The question on the adoption of Mr. Pinckney's substitute being put, was declared lost.

The question on the adoption of the report of the committee recommending the appointment of Mr. Bogardus, being put, was lost.

The report was then laid on the table.

DIRECTION SETS.

The report of the Committee on Wharves, Piers and Slips, in favor of dredging out the slips between piers 39 and 32. East river, and piers on each side of the new extension of the wharf at the foot of Warren street, was read, and referred to the Committee of the Whole.

Everal other reports were received from the Committee on Streets, relative to the repairing, curb and gather setting of streets, which were all reterred. The Board then went into

then went into

COMMITTEE OF THE WHOLE

On a great number of papers left on the table since the last meeting. About fifty papers were read, and ordered to a third reading on Friday next.

The committee rose about 9½ o'clock, and soon afterwards the Board adjourned until Wednesday afternoon.

Superior Sourt—Part First.

Before Hon. Judge Duer and a Jury.

ACTION AGAINST A RAILWAY COMPANY FOR CAUSING
THE DEATH OF A MAN—EXEMPLARY VERIDIOT.

May 5.—Margaret Button, Administratric of Thomass
Button, deceased, against the Hudson River Railroad
Compony.—In this case Mr. J. B. Phillips appeared for
the plaintiff, to recover damages against the defondants
for causing the death of her husband, on the 4th of Movember, 1883, through the alleged culpable negligence of
their servants or employes, in running over him and
crushing him, from the effects of which he instantly
died. Damages are laid at \$5,000. For the defence,
Messrs. Fullerton and North contended that the accident
was caused by the negligence of the deceased himself,
and that he was at the time in a state of intoxication.

Thomas O'Brien deposed that he knew the deceased,

death.

Toos-examined—Mr. Button did not drink more than twice; he was not under the influence of liquor; witness has said since the accident that Mr. Button had been driver, he was not under the influence of liquor; witness had said since the accident that the said since the said since the lating, when the night is of the oyster saloon, deposed—That on the night is on the oyster saloon, deposed—That on the night is on the orar saloon and the said on in West street; considered his according a said of taking are of himself; about three minutes after he left witness lead of taking are of himself; about three minutes after he passed, witness went across the street, in consideration of the railroad track dead; recognized him as Mr. Britton; there were two strong lights on the track; did not see any lights on the car; the distance from witness' house to where he saw the body was about 130 feet; the hagage car went down first.

Cross examined—Did not notice that anybody left the cuse with Mr. Button; the cars pass within twenty feet of witness' door; saw the car that passed so rapidly; formed the opinion that they were going ten miles an hear when they passed; Mr. Button was joking when he went out, and after the second car passed witness heard he was dead; Mr. Button gave no indication that he had been drinking before he came to witness' saloon; could not discover the effects of liquor on him when he left; he had a tremble in his hand.

To Mr. Phillips—The cars went that night at an unusual speed; can see them pass when behind the counter. Morris Kent, deposed—That he was employed as switchman on the Hudson River Railroad on the 4th of November last; had charge of the baggage that night; the train was due at Chambers street about nine o'clock, but got a constant the station; it stopped about thirty or forty yards below the depot; was called to the ear and went over to it, when witness of there he saw the man lying across the track the car had passed over him; he was dead: he was lying with his head on one rail and h

Court of General Sessions.

Before Judge Beebe.

May 8.—Highway Robbery.—Margaret Burke was placed at the bar, charged with having, in company with three men, not yet arrested, assaulted and took from the pockets of the complainant, John Wright Branwood, \$3 75 in money, a pair of gloves, and a wild pigeon. From the evidence of the complainant it appeared that while he was proceeding to his home on the 8th of April last.

three men, not yet arrested, assaulted and took from the pockets of the complainant, John Wright Branwood, \$3 75 in money, a pair of gloves, and a wild pigeon. From the evidence of the complainant it appeared that while he was met by the prisoner and three men at the corner of Thames and Greenwich streets, where the men assaulted him and stole his property; and that about an hour or so afterwards, on giving information of the occurrence to an officer, the defendant was arrested, and in her possession were found the gloves and the pigeon. The jury rendered a verdict of guilty of petit larceny only. Sentenced to six months in the penitentiary.

Grand Larceny.—David Jackson, colored, was tried and convicted of stealing \$50 worth of property from the dwelling house of Mr. Brown, in Elm street. The prisoner was caught in the act by Mr. Brown. The Court knowing the prisoner to be an old offender sentenced him to three years confinement in the State prison.

Burglary in the Taird Degree.—George Howard and John Peters were then placed at the bar, charged with having burglariously entered the store of Anderson & Co., 184 Fuiton street, importers and jobbers of dry goods. From the evidence of the officers who arrested the prisoners, it appears that a portion of the property similar to that stolen was found in the house where they were arrested, (No. 46 Centre street,) all of which was claimed by Mr. Anderson. Also, that on the necks of the defendants were found silk cravats of the same pattern and size of those stolen and found on the premises by the officers. In this case the jury rendered a verdict of not guilty.

Assaulting a Policeman.—James Cowen was then placed at the bar, charged with committing an assault and battery upon the person of the uternative for the sixth ward police, while in the discharge of his duty. It appeared from the evidence of the plaintiff, that he was called upon by a woman to quiet some disturbance at him," and stabbed Lleutenant Fierty in the Sixth ward police, while in the discharge of his

ast evening.
[We take this opportunity of stating that the person we take this opportunity of stating that the person sentenced to the State prison on Friday last, named Zophar Mills, was a young man, a native of Germany, and not Zophar Mills, Esq., merchant, doing business at 184 Front street, and for many years one of the officers of the Fire Department. We make this explanation at the request of Mr. Mills, who has felt somewhat annoyed

at having such a vagabond namesake.]

United States Circuit Court.

Before Hon. Judge Hall.

MAY S.—THE LATE EXTENSIVE COUNTRIFICING.—The case of the United States against John Brown, alias Joseph Heritage, Charles Clarke, alias Watson, and Jas. Bower, charged with counterfeiting upwards of eight thousand dollars spurious coin, was commenced to-day. Mr. B. F. Dunning appeared for the government. As the evidence has been so recently published in the HERALD, and the particulars so fully described when the investigation was before the United States Commissioner, we deem it unnecessary to report the proceedings again. Adjourned.

The first election by the ballot took place in St. John N. B., on the 2d inst., it being for a Mayor. The result was as follows:—Oliver, temperance, 1,105; Smith, 766.